

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KEVIN J. SELKOWITZ, an individual,

Plaintiff

v.

LITTON LOAN SERVICING LP, a Delaware  
Limited Partnership; NEW CENTURY  
MORTGAGE CORPORATION, a California  
Corporation; QUALITY LOAN SERVICE  
CORPORATION OF WASHINGTON, a  
Washington Corporation ; FIRST AMERICAN  
TITLE INSURANCE COMPANY, a Washington  
Corporation; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a Delaware  
Corporation, and DOE Defendants 1-20,

Defendants.

NO. 3:10-cv-05523-JCC

**MOTION AND DECLARATION FOR  
ORDER SHORTENING TIME FOR  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
INJUNCTIVE RELIEF**

**NOTE ON MOTION CALENDAR:  
August 26, 2010**

**I. MOTION**

**COMES NOW** the Plaintiff, KEVIN J. SELKOWITZ, an individual, by and through his attorney of record, RICHARD LLEWELYN JONES, P.S., and moves the Court for an Order Shortening Time for notice of Plaintiff's Motion for Temporary Restraining Order and Injunctive Relief. This Motion is made pursuant to *FRCP 6(d)*, and the subjoined Declaration of RICHARD LLEWELYN JONES. A copy of the proposed Order is submitted herewith.

MOTION AND DECLARATION FOR ORDER SHORTENING  
TIME FOR MOTION FOR TEMPORARY RESTRAINING ORDER  
AND INJUNCTIVE RELIEF

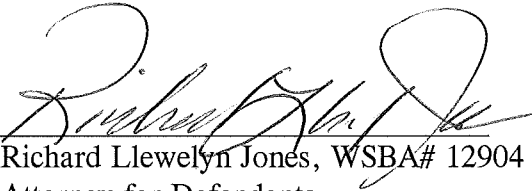
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**RICHARD LLEWELYN JONES, P.S.**

ATTORNEY AT LAW  
2050 - 112th Avenue N.E.  
Suite 230  
Bellevue, Washington 98004  
(425) 462-7322

DATED this 18th day of August, 2010.

**RICHARD LLEWELYN JONES, P.S.**

By   
Richard Llewelyn Jones, WSBA# 12904  
Attorney for Defendants

**II. DECLARATION OF RICHARD LLEWELYN JONES**

**RICHARD LLEWELYN JONES** declares as follows:

1. I am the attorney of record for the Plaintiff named hereinabove. I have personal and testimonial knowledge of the facts set forth below and am competent to be a witness herein.

2. On July 27, 2010, defendant Quality Loan Service Corporation of Washington ("QLS") filed a Notice of Removal, removing this action from the Superior Court of Washington, King County to this Court pursuant to 28 U.S.C. § 1441(b).

3. On August 18, 2010, Plaintiff filed an Amended Complaint and Motion to Remand this action to State Court on the basis that the Amended Complaint sets forth no claim or right arising under the laws of the United States.

4. A trustee sale of the Plaintiff's property is now set for September 3, 2010, and Plaintiff seeks to restrain the sale pending the outcome of this action.

5. Under RCW 61.24.130(2), notice must be given to the trustee of the motion for TRO as follows:

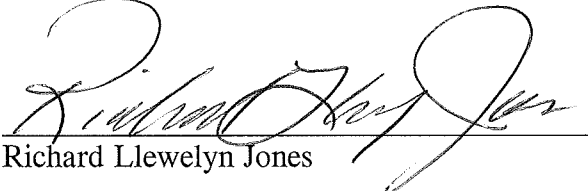
(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

6. Given the Motion for Remand is noted for September 3, 2010, the same day of the scheduled trustee sale on Plaintiff's property, and the Notice requirements of RCW 61.24.130(2), this Court should grant this Motion for Order Shortening Time for Motion for TRO.

7. Without the TRO, Plaintiff's property is subject to foreclosure during the pendency of this action and Plaintiff would lose the benefit of a favorable determination of his claims at time of trial. Accordingly, Plaintiff's Motion for TRO should be heard on less than 6 days notice, in accordance with the provisions of *FRCP* 6.

8. I declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true to the best of my knowledge.

DATED this 18th day of August, 2010.

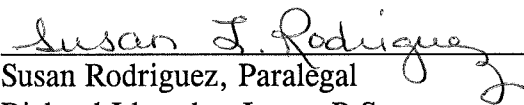
  
Richard Llewelyn Jones

**CERTIFICATE OF SERVICE**

I certify that on August 18<sup>th</sup>, 2010, I serviced a copy of the following documents: Calendar Note, Motion for Order Shortening Time and proposed Order Shortening Time, as indicated, on the following:

Ann T. Marshall Bishop White Marshall & Weibel PS 720 Olive Way Ste 1301 Seattle, WA 98101-1834	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Heidi E. Buck Routh Crabtree Olsen, P.S. 3535 Factoria Blvd SE Ste 200 Bellevue, WA 98006-1263	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Kennard M. Goodman Bishop White Marshall & Weibel PS 720 Olive Way Ste 1301 Seattle, WA 98101-1834	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile
Mary Stearns McCarthy & Holthus LLP 19735 – 10 <sup>th</sup> Avenue NE, Suite N200 Poulsbo, WA 98370	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger/Processor <input checked="" type="checkbox"/> By ECF <input type="checkbox"/> By Facsimile

**DATED:** August 18, 2010.

  
 Susan Rodriguez, Paralegal  
 Richard Llewelyn Jones, P.S.  
 Phone: 425.462.7322  
 susan@richardjoneslaw.com

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